

Currently, the above described process is performed manually. Often, an affected party must take legal action in order to impress upon the ISP the gravity of its request. Similarly, the ISP may decide to make a manual determination of the affected party's request, in order to avoid alienating its customers on the one hand, and to avoid the legal and moral ramifications of its customer's illegal behavior on the other hand. This results in unnecessarily high costs for both the affected party and the ISP. Thus, while the cost of undesirable communication exchange is extremely low, the cost of policing such exchange remains high. In other words, the exchange of undesirable information benefits from all the efficiencies of modern computing technology, while policing it does not, because policing still requires significant human involvement.

Distribution of undesirable content can happen in various ways over computer networks. But there are several methods that are used very often for such purposes. One is peer to peer networking. Peer to peer networking is an efficient method of exchanging information in a decentralized way. It is usually performed over the Internet. It characterizes the exchange of information between two computers, which both belong to individual users, the exchange being accomplished without a central server. Peer to peer communication holds potential for de-centralized computer networking, but unfortunately it is often used to improperly exchange copyrighted content.

Another method of improperly exchanging information utilizes a file transfer protocol (FTP) server. There are many FTP servers on the Internet, with some even dedicated to the improper distribution of copyrighted content.

Other methods of improperly exchanging information include using Internet services such as Usenet, and Internet relay chat (IRC). Both of these Internet services were initially designed for the exchange of plain text information but now any kind of content can be encoded and distributed.

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Figure 3 is a block diagram of an exemplary embodiment of a monitoring system in accordance with the present invention wherein multiple monitoring stations, control stations and traffic controllers are used.

5 Detailed Description of the Preferred Embodiments


Referring to Figure 1, a monitoring station 101 is connected to the Internet or another computer network 102. The monitoring station 101 is implemented using a computer or a similar device capable of retrieving content from the network. The monitoring station 101 actively attempts to retrieve content that may be undesirable or the exchange of which may be
10 undesirable, by accessing potential sources of undesirable content.

For this purpose, the monitoring station may read Usenet posts. It may also connect to an IRC server and attempt to retrieve a piece of content from another IRC user. Although IRC is usually a medium for communication in natural language between humans, the monitoring
15 station need not possess the ability to communicate in a natural language in order to retrieve content. This is due to the fact that most of the undesirable content exchanged via IRC is provided by computer programs, running on a user's computer (known as IRC bots). These IRC bots are connected to the IRC as well and listen in for certain commands. A user may issue a command that causes an IRC bot to send a certain file to the user. Thus, the monitoring
20 station need only be able to send some commonly used IRC bot commands in order to retrieve files from the IRC bots. Furthermore, the monitoring station may use some IRC bot commands that list other IRC bot commands, and thus "learn" the commands for a particular bot.

The monitoring station 101 may also connect to known FTP servers, using known or
25 publicly available account names and passwords, and attempt to download content from these sources. The monitoring station may also login to various peer to peer networks, and download content from users by way of such networks. The monitoring station may also connect to other online distribution systems that are likely to be used for distributing illegal content.

The monitoring station 101 is initially configured to search for a set of likely target files. These files may represent movies, audio files, or computer programs, that are known to be distributed in violation of certain copyrights, or computer programs that are known to contain viruses, trojan horses or other malicious software. The monitoring station initially
5 attempts to find the target files by using the target file name, file size, file hash or similar unique identifier, or by other file metadata. Most of the sources of content listed above provide for a way to search for files by one or more of these parameters. Sometimes, the names and other properties of particular files are changed as the files pass through distribution channels, so the monitoring station 101 may have the option to search for matches that are not exact.
10 However, files on the above listed distribution systems may be intentionally, or unintentionally misnamed or mislabeled, especially if enforcement mechanisms are in place. For this reason, the monitoring station 101 does not rely only on the name and properties alone to identify files as undesirable or illegal. If a match based on file name and/or properties is found, the monitoring station 101 may elect to download the file in question. If the download is
15 successful, the monitoring station may further attempt to identify the downloaded file as a target file, by examining its contents. This may be accomplished by examining the file's contents for watermarks or fingerprints.

Fingerprinting is a technology very similar to hashing. A fingerprint is a set of data that
20 is derived from a file by a predefined formula. The formula is such that the chances of two different files having the same fingerprint are very small. In a fingerprinting embodiment, the monitoring station is in possession of the formula as well as a list of fingerprints of one or more target files. The monitoring station then derives the fingerprint of a downloaded file using the formula and compares it to the fingerprints of the target files in the list. A match
25 signifies that the downloaded file is a target file. In order for fingerprinting technology to be effective, the formula should be kept in relative secrecy, so a distributor is not able to change the fingerprint of a file by making minor changes in the file's content.

Watermarking is a technology wherein data is embedded into an existing file, without
30 noticeably changing the end user effect of the file. The end user effect of a file is the effect a {M:\9386\0m709\00046069.DOC  }

file would have on the end user, when used in its intended purpose. Thus adding a watermark to a music file will not noticeably change the audible qualities of the music file. A watermark may signify whether the file it is embedded in is allowed to be distributed over public networks (i.e. whether the file is a target file). In a watermarking embodiment the monitoring station
5 derives the embedded watermark from the downloaded file. By examining the watermark, the monitoring station can determine whether the downloaded file is a target file.

Watermarking may also provide additional information about a file. It may show who the last legal possessor of the file was, and thus determine the person that started the illegal
10 distribution. Or it may designate a file as allowable for distribution on certain distribution networks, but not allowable on others.

In another embodiment, the monitoring station 101 uses both fingerprinting and
15 watermarking.

When downloading a file, the monitoring station 101 stores an address associated with the network node that is distributing the file. In **Figure 1**, this node is the distribution node 105. If the distribution node 105 uses the Internet, this identification is usually an IP address. The IP address of a node attempting to distribute unauthorized content is easily obtainable in
20 most distribution systems, because in order for the content to be distributed, a network connection must be created, and knowledge of each party's IP address is necessary for creating a network connection.

Once the monitoring station 101 has identified a downloaded file as a target file, it
25 sends an electronic notice to a control station 104. The electronic notice includes an identification associated with the node that was distributing illegal or undesirable content (distribution node 105 in **Figure 1**), and optionally a description of the means of distribution, properties of the content, information on content owner where applicable, and date and time of detection.

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Once the control station 104 receives an electronic notice, it determines an enforcement order that is suitable for the electronic notice. An enforcement order is essentially a punishment for illegal or undesirable distribution, which is to be executed against the offending distribution node 105. An enforcement order usually involves limiting a user's network access in a particular way. **Table 1** lists some examples of possible enforcement orders.

Type of Enforcement Order	Example of Enforcement Order
Block specific content incoming and/or outgoing for a given time.	Block specific URL on web server.
Block specific distribution system traffic incoming and/or outgoing for a given time.	Block all FTP traffic from source for 24 hours. Block all outgoing SMS traffic from source for 2 hours.
Block all network access incoming and/or outgoing for a given time.	Block all Internet traffic from source for 10 minutes. Deactivate source network account for 24 hours.
Assign bandwidth limit or lower priority to specific distribution system traffic incoming and/or outgoing for a given time.	Assign 5MB Gnutella P2P traffic limit for source for next 24 hours.
Assign bandwidth limit or lower priority to all network traffic incoming and/or outgoing for a given time.	Assign lowest priority to all Internet traffic for source for 2 hours.

Table 1

The control station 104 is initially configured with a set of enforcement rules that define which enforcement orders are to be given. These rules may be based on the frequency of infractions (electronic notices) a certain distribution node receives, on the nature of the infraction or on the distribution service being used. The enforcement rules (as well as the enforcement orders) should be determined by the operator of the system based on policy considerations. For example, a set of enforcement rules and orders could be chosen if it curbs illegal traffic without unduly impacting users. An exemplary enforcement rule may state that a user shall be blocked from accessing a given distribution system for 12 hour after the first time

center 106. The present invention may also be adapted to be used in conjunction with more than one network data center. Such an adaptation is shown in **Figure 2**. In the embodiment shown in **Figure 2**, there are multiple network data centers 106, 106' and 106'', each having a corresponding traffic controller 107, 107' and 107''. In this embodiment, the control station 104 is able to map the IP address of a user to a particular network data center. Thus, for example, the control station 104 is able to determine that a user with an IP address X is connected to network data center 106'. In this embodiment, when the control station receives an electronic notice, it examines the IP address that accompanies the notice and determines which network data center is associated with the IP address of the user. Once this determination is made, the control station generates an enforcement order in the way described above, and sends the enforcement order to the corresponding network data center.

The embodiment shown in **Figure 2** also includes multiple monitoring stations 101, 101', and 101''. There are several reasons why multiple monitoring stations may be used. Monitoring stations may be configured so that each monitoring station monitors only one distribution channel. Thus, multiple monitoring stations are used to monitor many distribution channels. Alternatively, or in addition, the present invention may be set up so different content owners may each create their own monitoring station in order to more effectively monitor their own content, and to avoid disclosing possible trade secrets associated with content identification methods. Multiple monitoring stations operate in the same manner as the single monitoring station of the embodiment shown in **Figure 1**.

Figure 3 shows an embodiment where multiple control stations 104, 104' and 104'' are used. Each control station is associated with one or more network data centers 106, 106', 106'' and 106'''. Multiple control stations may be used if the present invention is meant to cover the clients of multiple ISPs but each ISP insists on having the control station on its premises for security purposes. It may also be the case that large distances make it more efficient to use multiple control stations. In this embodiment, each monitoring station 101, 101' and 101'' is able to map the IP address of an offending user to a specific control station. Thus, once the monitoring station identifies a target file, it maps the IP address of the source of that target file {M:\9386\0m709\00046069.DOC [REDACTED] }

to a specific control station and sends the electronic notice to that control station. The control stations themselves operate in a way similar to the control station of the embodiment shown in **Figure 2**.

5 The monitoring station, control station and traffic controller are implemented on computing devices having a processor and computer memory, readable by the processor. However, they need not be implemented on separate devices. As is recognizable by the person familiar with the art, the monitoring station, control station and traffic controller can all be implemented on a single computing device.

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While the foregoing description and drawings represent illustrative embodiments of the present invention, it will be understood that various changes and modifications may be made without departing from the spirit and scope of the present invention.